

Fleming County Project Development Board
160 West Electric Avenue, Flemingsburg, KY 41041
Record of Meeting, November 3, 2009, 5:00 pm Eastern

The meeting was called to order at 5:00 pm by Chairperson CJE Larry H. Foxworthy.
Roll call was completed as noted below.

Present: Larry H. Foxworthy, Judge W. Todd Walton II, Marvin Suit, Judge
Stockton Wood, J. Scott Brown and Pam Lowe (came in 5:04 PM)

Absent: Louie Flanery and David DeAtley

Other Attendees: Sam Howard, Trace Creek Construction, Inc. (TCCI)
Eddie Sorrell, Trace Creek Construction, Inc. (TCCI)
Eric Chambers and Charles Schneider, Brandstetter Carroll Architects (BCA)
David Whittaker, Administrative Office of the Courts (AOC)
Keith Brock, Ross, Sinclair and Associates (RSA)

Old Business A motion was made to approve the minutes from the meeting of October 13, 2009.
Motion by Walton. Seconded by Suit. All in favor.

New Business Sam Howard, TCCI, discussed the utility poles at the far west end of West Water
will not be underground as planned due to Kentucky Utilities requirement of guide
poles needed to support conduits.

Mr. Howard stated that Kentucky Transportation Cabinet has not issued permits
needed to relocate the storm water/sewer lines at West Water. It was discovered
that the storm water line holds the sewer line inside which runs into the Town
Branch creek. A mandatory engineered study must be completed and reported to
KTC for review before the permit will be issued to commence work. Charles
Schneider, BCA Engineer, has assessed the area and will procure the storm
water/sewer study. It may be necessary to install a 24" storm water line and 8"
sewer line to comply with regulations and could close the roadway access for 2-3
days to cut across West Water Street.

The parking lot expansion estimate cannot be completed until after the study has
been completed but estimated costs have been included into the budget. The
retaining wall in the back of the parking lot expansion has been eliminated due to
potential damage to tree on Stivers/Wood property which was requested to be
spared during construction. Eric Chambers, BCA, stated they have been working
with Mrs. Stivers, owner of property on West Water Street, to protect large tree
located in the back of their property and the stone drain. A request was made by
Mrs. Stivers to also attempt to save the stone rock foundations under the three West
Water Street properties and possibly utilize the stones in the project. Sufficient
time will be allowed for property owners of the West Water Street parcels to
remove items they wish to retain before demolition.

The reimbursable pay request for HC Nutting \$ 631.75, Tammy Gray \$ 200.00,
Fleming County Fiscal Court \$ 924.49 and TCCI/Subcontractors \$ 104,504.17 was
reviewed and discussed. All invoices have been approved by TCCI, Brandstetter
Carroll Architects and AOC prior to the PDB meeting per Mr. Howard. Mr.

Howard requested approval to send the original invoice directly to AOC, scanned copy to BONY (Bank of New York)and in turn BONY to send all checks directly back to TCCI for issuance to vendors/contractors for distribution. The board secretary will be issued a complete copy of all pay requests for the project files.

A motion was made to approve/authorize TCCI to submit all original pay requests directly to AOC, scan to BONY and for BONY to issue checks to TCCI for distribution. Motion by Walton. Seconded by Lowe. All in favor.

A motion was made to approve Schedule A Pay Application by Summary dated 10-29-09. Motion by Suit. Seconded by Wood. All in favor.

A motion was made to approve Time Warner estimated cost of \$ 10,000.00 for relocation of service wires. Motion by Walton. Seconded by Brown. All in favor.

Discussion was held regarding the use of pervious concrete in the additional parking expansion as a demonstrative project in conjunction with the Fleming County Conservation Office. Emily Anderson presented information and received questions regarding the use of pervious concrete stating funding may be available to install and purchase the pervious concrete for the parking lot expansion which will help filter storm water runoff before the water enters into Town Branch Creek, an EPA priority watershed project. Mr. Schneider stated clay soil is not ideal for pervious concrete, maintenance of that type of concrete would be a factor and cost is double of regular concrete. Mrs. Anderson stated the pervious concrete is a viable option which has a 40 year life span, reduces flooding and improves the water quality. Mrs. Anderson is willing to research funding opportunities for the implementation of installing pervious concrete under BMP (Best Management Practices) to create a demonstrative site in which could bring other agencies to Fleming County to see the benefits. Technical support, installation training and certification of contractors should be provided along with the funding per Anderson. Mr. Howard stated TCCI, BCA, Mrs. Anderson and Ready Mix Association will work together and determine if pervious concrete could be utilized on this project. Additional discussion was held regarding the required match funding and regulations pertaining to the use of state/federal funding. More information will be gathered to discuss at the next meeting. David Whittaker, AOC, requested all information be forwarded to AOC for review as well.

Keith Brock with Ross, Sinclaire and Associates presented documents pertaining to the Fleming County Public Properties Corporation, First Mortgage Revenue Bonds, Series 2009 for \$ 13,510,000.00 to fund the judicial center project. Bids received via PARTIY were 4.015386% from Ross, Sinclaire and Associates and 4.189012% from Morgan Keegan & Co. Ross, Sinclaire and Associates were low bidder. Mr. Brock issued a Summary of Costs dated 10-28-09 reflecting the original AOC budget and current AOC budget, Bond Sizing Analysis showing current costs to date and Final Schedules of fund distribution/debt service.

A motion was made to approve and authorize Ross, Sinclaire and Associates upon receipt of Bond Schedule from TCCI to accept bid proposals for fixed rate investments opportunities of project funds and authorize Fleming County Judge/Executive Larry H. Foxworthy to sign any and all documents pertaining to

financial investments under KRS 66.480 and KRS 41.240. Motion by Walton. Seconded by Brown. All in favor.

Ross, Sinclair and Associates will be accepting bids from financial institutions until November 10, 2009 under KRS 66.480 (excluding commercial paper) for a fixed rate investment proposal of the net construction fund proceeds of the bonds. This will allow maximized earnings of project funds. RSA will verify the stability of potential financial institutions.

Discussion was held regarding the status of procuring the three West Water Street properties. Marvin Suit will contact owners of the Dye property to help execute the land option agreement as soon as possible. Mr. Suit stated the Dyes' are awaiting second appraisal to be completed.

A request was made by Mrs. Stivers to remove the damaged shutters from the Dudley House. Chairperson Foxworthy stated Mr. Howard (TCCI) has committed to removing the shutters once appropriate equipment to complete the task was on site.

Discussion was held regarding the jail property and when it will be vacated by the Fleming County Sheriff Department. Chairperson Foxworthy stated the county is looking for a temporary office location and stated there was dispatch surplus equipment needs to be removed before demolition. Mr. Howard stated the property needs to be vacated by February-March 2010 if possible.

A motion was made to approve/authorize proceeding with all AOC Part X requirements to acquire the three West Water Street properties including but not limited to survey, appraisals, land option agreements, title opinions and deeds. Motion by Walton. Seconded by Suit. All in favor.

Next regular meeting will be held on Tuesday, December 1, 2009.

Motion was made to adjourn the meeting at 6:13 PM.
Motion by Walton. Seconded by Brown. All in favor.

Recorded By:
Tammy L. Gray